

REMARKS

Claims 1-23 are all the claims pending in the application.

Claims 1-3, 5-15, 17, 19, 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito et al (U.S. Patent No. 6,442,293; hereinafter “Ito”). Claims 4 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito as applied to claim 1 above, and further in view of Tanaka et al. (U.S. Patent 6,630,958; hereinafter “Tanaka”). Claims 18, 20, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. To traverse the prior art rejections, Applicant submits the following arguments.

In the Final Office Action, the Examiner states that Ito does teach that the proper amount of image correction is evaluated for a degree of correctness and, in particular, cites column 7, lines 44-54 and columns 8-9. Applicant submits that the Examiner is incorrect in her characterization of the reference.

In combination with other elements, claim 1 recites:

an image correcting amount computing unit for computing a proper amount of image correction . . . ;

an image processing unit for performing image processing based on the proper amount of image correction . . . to thereby produce a processed image; . . . ;

wherein the proper amount of image correction automatically computed by said image correcting amount computing unit is evaluated for a degree of correctness

In contrast, Ito discloses a coordinate transformation parameter calculating section 102 which calculates a transformation parameter. The transformation parameter is then used by the ortho-image forming section 103 to transform the three-dimensional coordinates into the image coordinates. Next, the image coordinates are corrected by the ortho-image correcting section 104.

In the section of Ito cited by the Examiner, the reference discloses that:

if a formed ortho-image is not what is desired, ortho-image correction is performed (step S180). In this ortho-image correction work, determination is made as to whether a satisfactory image is obtained or not (step S200). If "OK", then the process moves to a next area to be measured, and the same operation is repeated from the control point measuring (step S110). On the other hand, if no satisfactory image is obtained in the ortho-image correction work (step S180), then the additional image measuring (step S140) is carried out again, and the foregoing operations are repeated until a satisfactory image is obtained.

In other words, Ito discloses evaluating the formed ortho-image to determine whether a satisfactory image is obtained or not. The evaluation of correctness pertains to the final image and reiterative processing occurs until the final image is acceptable. Ito, however, does not disclose that an intermediate value, i.e., the transformation parameter, is evaluated to determine some degree of correctness.

By contrast, claim 1 describes a degree of correctness relative to the amount of image correction provided by the correction amount unit. It is this aspect that the Examiner concedes is explicitly lacking in Ito. *See* Final Office Action pages 6-7. It is not obvious to include an evaluation on the correction parameter in Ito because the end result in Ito relates to a corrected ortho-image corrected in an iterative manner. The degree of correction is not necessary nor necessarily appropriate in view of the iterative process and stereo nature of the image process.

Applicant submits that the present invention allows early detection and warning of an error condition (such as an inappropriate correction condition as claimed), whereas such an evaluation cannot be obtained in Ito. Ito does not suggest the early evaluation in view of the multiple stereo views being assessed.

Therefore, for at least the above reasons, claim 1 is believed to be patentable.

Claims 2, 3, 5-12, 17, and 22, which depend from claim 1, are believed to be patentable for at least the reasons submitted for claim 1.

Claims 13-15, 19, and 23 are patentable for reasons similar to those submitted for claim 1.

Claims 14 and 16 are also patentable for reasons similar to those submitted for claim 1 and because Tanaka fails to make up for the deficiencies of claim 1.

Further, claims 22 and 23 relate to correction amounts evaluated in relation to an original. The evaluations in Ito relate to ortho-images having undergone multiple processes. Thus, claims 22 and 23 are patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. §1.116
U.S. Appln No. 09/624,161

Atty Dkt No. Q58742

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER



Susan Perry Pan
Registration No. 41,239

Date: January 3, 2005